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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,707	08/06/2001	James Phillip Slupe	HP10013721-1	1568

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,707

Applicant(s)

SLUPE, JAMES PHILLIP

Examiner

Md S. Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-18,20-23,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-18,20-23,25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 08/08/05. Claims 1-6, 8-18, 20-23, 25 and 27 are pending. Claims 7, 19, 24, 26, 28 and 29 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 8-18, 20-23, 25 and 27 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 8, 11-14, 16-18, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauss et al. (U.S. Patent No. 4,476,582).

Regarding claim 1, Strauss teaches a radio receiver having an input for receiving radio station identities (figure, item 11) for specifying radio stations for reception and an output indicating a presently received signal strength (figure; col.3, lines 1-14, 42-59, col.4, lines 20-22, 27-36, col.6, line 20-col.7, line 11, col.8, lines 40-55).

Strauss further teaches a memory having stored therein a plurality of radio station identities organized according to program content specifiers, the memory having stored therein a

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plurality of geographic location coordinates associated with the plurality of radio station identifiers (col.3, lines 20-29, 42-59, col.4, lines 37-47, col.7, lines 22-57, col.8, lines 22-31).

Strauss further teaches a controller (figure, item 27) coupled to the receiver and the memory and operable to recall, one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station when the presently received signal strength meets a threshold (col.6, line 20-col.7, line 11, col.8, lines 40-55).

Regarding claims 2, 12 and 14, Strauss teaches that the plurality of station identities and the program content specifiers are manually programmed into the memory through a button [i.e., user interface] on the apparatus (col.1, lines 34-40, col.3, lines 1-14, col.7, lines 22-57).

Regarding claims 4 and 16, Strauss teaches that the plurality of station identities and the program content specifiers are programmed into the memory through a subscription service (col.1, lines 34-40, col.3, lines 1-14, col.7, lines 22-57).

Regarding claims 5 and 17, Strauss teaches that the plurality of station identities and the program content specifiers are programmed into the memory with data received by the radio receiver (col.1, lines 34-40, col.3, lines 1-14, 42-59, col.4, lines 37-47, col.7, lines 22-57).

Regarding claims 6 and 18, Strauss teaches that the controller is operable to sequentially scan the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input each subsequent time the presently received signal strength meets the threshold (col.6, line 20-col.7, line 11, col.8, lines 40-55).

Regarding claim 8, Strauss teaches that the controller is operable to scan the plurality of radio station identifiers in the memory ordered according to the program content specifiers and the location coordinates (col.6, line 20-col.7, line 11, lines 22-57, col.8, lines 40-55).

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Regarding claim 11, Strauss teaches that the memory has stored therein an ordered list of program content specifiers, and wherein the controller is operable to sequence through the ordered list to define a replacement present program content specifier when the controller is unable to locate and recall one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station (col.6, line 20-col.7, line 11, lines 22-57, col.8, lines 40-55). (Note; the ordered list is inherent)

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claims 1, 6 and 11. Furthermore, Strauss teaches monitoring the signal strength of a present radio station signal (col.6, line 20-col.7, line 11, col.8, lines 40-55).

Strauss further teaches determining that the signal strength has met a threshold (col.6, line 20-col.7, line 11, col.8, lines 40-55).

Strauss further teaches selecting a radio station identity from the memory that has the same program content specifier as the present radio station (col.6, line 20-col.7, line 11, lines 22-57, col.8, lines 40-55).

Strauss further teaches tuning the radio receiver according to the selected radio station identity (col.6, line 20-col.7, line 11, lines 22-57, col.8, lines 40-55).

Regarding claim 25 is rejected for the same reasons as discussed above with respect to claims 1 and 4.

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claims 4 and 13.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss et al. (U.S. Patent No. 4,476,582) in view of Bickford et al. (U.S. Patent No. 6,021,320).

Regarding claims 3 and 15, Strauss fails to teach "said plurality of station identities and said program content specifiers are preprogrammed into said memory by the supplier of the apparatus". Bickford teaches that the plurality of station identities and the program content specifiers are preprogrammed into the memory (col.2, lines 28-31, col.13, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss to allow the plurality of station identities and the program content specifiers being preprogrammed into the memory by the supplier of the apparatus as taught by Bickford. The motivation for the modification is to have doing so in order to create a signal category if the signal category does not preexist.

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8. Claim 9, 10 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss et al. (U.S. Patent No. 4,476,582) in view of Bickford et al. (U.S. Patent No. 6,021,320) further in view of Dennison et al. (U.S. Patent No. 5,815,814).

Regarding claims 9 and 20, Strauss in view of Bickford does not specifically teach “a global positioning system receiver coupled to said controller for providing present location coordinates of the apparatus”. Dennison teaches a global positioning system receiver coupled to the logic circuitry (i.e., controller) for providing present location coordinates of the apparatus (abstract; fig.6; col.5, lines 54-62, col.6, lines 37-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strauss in view of Bickford to incorporate a global positioning system receiver coupled to the controller for providing present location coordinates of the apparatus as taught by Dennison. The motivation for the modification is to have doing so in order to determine the precise location of a mobile unit.

Regarding claims 10 and 21 are rejected for the same reasons as discussed above with respect to claims 7 and 9. Furthermore, Strauss teaches that the controller is operable to search the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input according to the program content specifier of the presently received signal (fig.1, 5-7; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claim 22 is rejected for the same reasons as discussed above with respect to claim 11.

Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 12.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwob (U.S. Patent No. 4,969,209) teach Broadcast receiver capable of selecting stations based upon geographical location and program format, Duckeck et al. (U.S. Patent No. 5,303,401) teach RDS receiver with automatic region recognition, Kobayashi et al. (U.S. Patent No. 5,086,511) teach Mobile receiver and Lyons (U.S. Patent No. 6,282,412) teach Geographically adaptive portable broadcast receiver.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E.

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September 20, 2005

  
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